

MATTER OF GOUVEIA
In Visa Petition Proceedings

A-17869843

Decided by Board August 7, 1970

Under the law of Guyana, acknowledgment or recognition alone of an illegitimate child by the putative father does not result in legitimation of such child; legitimation of a child born out of wedlock requires the marriage of the natural parents.

ON BEHALF OF PETITIONER Norman D. Archer, Esquire
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The petitioner appeals the decision of the District Director denying this petition filed to accord the beneficiary immediate relative status as the child of a United States citizen. The District Director concluded that the petitioner failed to establish that he married the beneficiary's mother or otherwise legitimated the beneficiary in accordance with the provisions of section 101(b) (1) (C). We concur with that determination.

The petitioner, a native of British Guiana, asserts that the beneficiary, a native and citizen of Guyana was born on September 9, 1960 in Georgetown, Guyana. The petitioner concedes he never married the beneficiary's mother. In the beneficiary's birth certificate presented in support of this petition, the petitioner is registered as the beneficiary's father.

The petitioner contends on appeal that, under the laws and Special Executive Regulations of Guyana, a child once given the father's name and taken care of by the father is considered a legitimate child. We disagree.

Section 3(1) of the Legitimacy Ordinance of British Guiana,¹ provides in pertinent part:

¹ Volume IV, The Laws of British Guiana, Chapter 165 (May 14, 1932). Under the Guyana Independence Act of 1966, all laws in force as part of the law of British Guiana shall continue to have effect as part of the law of Guyana.